

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Claims 1-4, 7-16, and 45-66 are pending in the Application. The Final Office Action rejects Claims 1-4, 7-16, and 45-66. Reconsideration and favorable action are requested.

Rejections Under 35 U.S.C. § 103

The Final Office Action rejects Claims 1-4 and 7-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,532,215 to Muntz (“*Muntz*”) in view of U.S. Patent No. 6,909,781 to Itri (“*Itri*”) and further in view of U.S. Patent Application Pub. No. 2002/0118819 filed by Li (“*Li*”). The Final Office Action rejects Claims 45-66 under 35 U.S.C. § 103(a) as being unpatentable over *Muntz* in view of *Itri*. Applicants respectfully traverse these rejections.

Independent Claim 45 is allowable at least because the combination of *Muntz*, *Itri*, and *Li* proposed in the Final Office Action fails to disclose, expressly or inherently, “terminating the combined channel with a termination circuit, the termination circuit having an impedance and comprising one or more resistors and one or more capacitors.” The Final Office Action relies on an isolation circuit 804 of *Itri* as teaching this limitation. *See Final Office Action*, Page 18 (stating “the isolation circuit of *Itri* can be broadly interpreted to be a ‘termination circuit’”). This, however, is incorrect.

First, according to *Itri*, the isolation circuit 804 merely performs “***DC isolation*** from the DSL line 110.” *See Itri*, Col. 7, Lines 62-64 (emphasis added). In doing so, the isolation circuit of *Itri* “***pass[es] through***” the “signals carried by tip input 851 and ring input 852” to multiple input device 810. *See Itri*, Col. 7, Lines 60-62 (emphasis added). Therefore, since *Itri* expressly discloses that the signals pass through the isolation circuit 804 of *Itri* to the multiple input device 810, the isolation circuit 804 of *Itri* fails to disclose, teach, or suggest “***terminating the combined channel*** with a termination circuit” of Claim 45 (emphasis added).

Despite *Itri*’s disclosure that the signals are “pass[ed] though” the isolation circuit, the Final Office Action contends that the isolation circuit 804 of *Itri* “terminates ring and tip signals fed from DSL line 110.” *See Final Office Action*, Page 18. However, not only does the Final Office Action fail to provide any support for such a contention, but, as discussed above, *Itri* discloses the exact opposite. In particular, *Itri* clearly states “***the signals*** carried

by tip input 851 and ring input 852 *pass through an isolation circuit 804.*” See *Itri*, Col. 7, Lines 60-62 (emphasis added). Since the ring and tip signals “pass through” the isolation circuit of *Itri*, the isolation circuit of *Itri* clearly does not terminate the ring and tip signals.

Second, according to the M.P.E.P., “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” See M.P.E.P. § 2141.02(VI) (citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983)) (emphasis in original). Applicants respectfully submit that interpreting the isolation circuit of *Itri* as a “termination circuit” of Claim 45, as suggested at Page 18 of the Final Office Action, would completely disregard the *limitations* of *Itri*. For example, *Itri* clearly limits the isolation circuit to an entity that “pass[es] through” signals. See *Itri*, Col. 7, Lines 60-62. Furthermore, *Itri* clearly states that signals should be made “high enough to compensate for the [isolation circuit] to minimize signal losses.” See *Itri*, Col. 8, Lines 5-8. As a result, interpreting the isolation circuit of *Itri* as a “termination circuit” of Claim 45, clearly fails to consider *Itri* as a whole—as is required by the M.P.E.P. Thus, Applicants submit that such an interpretation is improper.

Third, according to the M.P.E.P., “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” See M.P.E.P. § 2143.01(V) (citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984)). Applicants respectfully submit that interpreting the isolation circuit of *Itri* as a “termination circuit” of Claim 45, as suggested at Page 18 of the Final Office Action, would render *Itri* unsatisfactory for its intended purpose. For example, the intended purpose of *Itri* is to allow “the testing of a DSL line, in an xDSL communications system deployment, for faults, proper performance, or other testing criteria.” See *Itri*, Col. 3, Lines 17-20. In order to accomplish this purpose, the system of *Itri* tests the signals from both tip input 851 and ring input 852. See *Itri*, Col. 7, Lines 49-55 (discussing why the signals from both tip input 851 and ring input 852 are tested).

Contrary to this intended purpose, interpreting the isolation circuit as a “termination circuit” of Claim 45 would render *Itri* unsatisfactory for testing the signals from both tip input 851 and ring input 852. For example, in order for the signals to be tested, they must “pass through” the isolation circuit of *Itri* and be received by the AFE. See *Itri*, Col. 9, Lines 10-26 (pointing to the AFE as performing the testing); see also *Itri*, Col. 7, Lines 60-62 (stating that the signals to be tested “pass through” the isolation circuit). Interpreting the

isolation circuit of *Itri* as a “termination circuit” of Claim 45, however, would prevent the signals from passing through the isolation circuit and reaching the AFE for testing. As a result, interpreting the isolation circuit of *Itri* as a “termination circuit” of Claim 45 would render *Itri* unsatisfactory for its intended purpose. Thus, Applicants submit that such an interpretation is improper.

Consequently, the combination of *Muntz*, *Itri*, and *Li* proposed in the Final Office Action fails to disclose the limitations of Claim 45. For at least this reason, Independent Claim 45 is allowable, as are Claims 46-54 that depend therefrom. For analogous reasons, Independent Claims 1, 55, 60, 65, and 66 are allowable, as are Claims 2-4, 7-16, 56-59, and 61-64 that depend therefrom. Reconsideration and favorable action are requested.

CONCLUSION

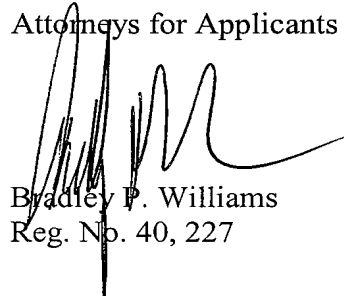
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

Applicants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any other fees and/or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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